

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6215-01
Bill No.: SB 945
Subject: Courts; Crimes and Punishment; Criminal Procedure
Type: Original
Date: April 3, 2014

Bill Summary: This proposal modifies procedures in death penalty cases in which the defendant kidnapped the victim before causing the victim's death.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	Unknown to (\$127,914)	Unknown to (\$148,246)	Unknown to (\$149,903)
Total Estimated Net Effect on General Revenue Fund	Unknown to (\$127,914)	Unknown to (\$148,246)	Unknown to (\$149,903)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Public Defender (MSPD)** assume additional capital appellate attorney time is needed to ensure briefs are filed within the new time frame contemplated. MSPD cannot assume that other appeals can be placed on the back burner, while these appeals are completed.

In summary, MSPD assumes a need for 2 FTEs at a cost of \$150,000 annually from this proposal.

Officials at the **Department of Corrections (DOC)** assume the new §546.680.2 requires the supreme court to issue a warrant of execution to DOC for execution of a defendant's sentence within ten days from the date of the warrant in the case where the defendant kidnapped the victim before causing his or her death and has exhausted all appeals. Currently such offenders remain incarcerated for many years as they progress through the lengthy appeal process, resulting in ongoing incarceration costs. This bill will have a practical impact on DOC as it is a shorter turn-around time for executing the sentence. Each day an offender remains incarcerated awaiting execution results in an incarceration cost of \$18.014. In summary, a shortened incarceration time within the DOC would result in reduced costs to the department and the exact fiscal impact is unknown per each fiscal year.

Officials at the **Office of the Attorney General (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources. AGO may seek additional appropriations if additional litigation results.

Officials at the **Office of the State Courts Administrator** and **Office of Prosecution Services** assume no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
GENERAL REVENUE FUND			
<u>Savings</u> - Department of Corrections - on incarceration costs	Unknown	Unknown	Unknown
<u>Costs</u> - Office of the State Public Defender			
Personal Service	(\$74,630)	(\$90,452)	(\$91,356)
Fringe Benefits	(\$38,065)	(\$46,135)	(\$46,596)
Equipment and Expense	(\$15,219)	(\$11,659)	(\$11,951)
Total Costs - Office of the State Public Defender	(\$127,914)	(\$148,246)	(\$149,903)
FTE Change - Office of the State Public Defender	2 FTE	2 FTE	2 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	Unknown to <u>(\$127,914)</u>	Unknown to <u>(\$148,246)</u>	Unknown to <u>(\$149,903)</u>
Estimated Net FTE Change for General Revenue Fund	2 FTE	2 FTE	2 FTE
<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Under current law, the court must set the date of execution for a person sentenced to death at least 30 but not more than 60 days from the date of judgment. Under Rule 30.30 of the Supreme Court Rules, if an execution is stayed, the Court must set a new date of execution upon a motion of the state or upon its own motion. The defendant has 30 days to respond to the motion.

This act provides that, in cases in which a defendant kidnapped a victim before causing the victim's death, the Supreme Court must issue a warrant directing the chief administrative officer of the correctional facility to execute the defendant within ten days after the defendant has completed his or her direct appeal, post-conviction appeal, and habeas corpus petition, or allowed the time permitted for filing a habeas corpus petition in federal court to expire.

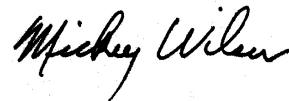
In addition, this act sets limits on the extensions and exceptions that may be granted in appeals in capital cases in which the defendant kidnapped the victim before causing the victim's death. This act requires the Supreme Court to advance such appeals on the court docket and hear oral arguments in such cases no later than six months after the filing of the final reply brief. The Supreme Court must issue a written decision no later than six months after oral argument. This act requires the Supreme Court to notify the parties of certain issues that have not been raised in the appellate briefs no later than 60 days before the scheduled oral argument and prohibits the Court from considering issues that are not identified at least 60 days before the oral argument.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

L.R. No. 6215-01
Bill No. SB 945
Page 6 of 6
April 3, 2014

SOURCES OF INFORMATION

Office of the State Public Defender
Office of the State Courts Administrator
Department of Corrections
Office of the Attorney General
Office of Prosecution Services



Mickey Wilson, CPA
Director
April 3, 2014

Ross Strobe
Assistant Director
April 3, 2014

NM:LR:OD